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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006
7590 05/21/2007 Lisa N Benado Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025			EXAMINER TRAN, MYLINH T	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/679,692	Applicant(s) REID ET AL.	
	Examiner Mylinh Tran	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 9, 12, 14-15, 17, 20, 22-23, 25, 28, 30-31, 33-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Amendment filed 02/15/07 has been entered and carefully considered. Claims 1, 9, 17, 25, 37, 41 and 45 have been amended. However, the limitations of the amended claims have not been found to be patentable over prior art of record, therefore, claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22-23, 25, 28, 30, 31 and 33-48 remain rejected under the same ground of rejection as set forth in the Office Action mailed (12/05/06).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31 and 33-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Uchida et al. [US. 6,275,266].

As per claims 1, 9, 17, 25, 37, 38, 41, 42, 45, and 46, Uchida et al. teaches a computer implemented method and corresponding system for producing a graphical user interface, comprising the steps/means:

storing a graphic file created by a multi-layered type computer program, the graphic file (figure 3, GUI controls) containing a list of control objects (GUI control types, figure 3, column 5, lines 18-60), wherein each control object is in at least one layer, dictates at least one attribute of a control element and is editable by a user (property A, figure 3);

creating an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical user interface, the control element having at least one attribute dictated by one of the control objects in the at least one layer of the graphic file (column 2, line 65 through column 3, line 29); the control element independently editable relative to a different control element (as disclosed at figure 4, teach plurality of GUI control property A, B, C.... Each GUI control comprises a list of properties. For example, the GUI control type A includes a list of property types A such as properties A1, A2, A3....

Plurality of the GUI controls are independently edited by a user. The GUI control property A is edited independently comparing the GUI control property B. A step of editing the GUI control property A is totally different with a step of editing the GUI control property B).

As per claims 4, 12, 20, 28, 39, 43, and 47, Uchida et al. teach the at least one layer of the first control object being grouped with the other layers in the graphic file (figure 6).

Art Unit: 2179

As per claims 7, 15, 23, and 31, Uchida et al. teach the at least one attribute being at least one of an appearance and location and or size and element type and state and function and behavior in a particular environment (column 4, lines 24-30).

As per claims 33-36, 40, 44, and 48, Uchida et al. teach the layers being linked (figures 3-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 6, 14, 22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. [US. 6,275,266] in view of Applicant Admitted Prior Art (AAPA).

As per claim 6, 14, 22, and 30, Uchida et al. do not disclose the control element being an edit control to manipulate a time-based stream of information. However, AAPA shows that the control elements such as button, checkbox, radio button, scrollbar and checklist in the specification, pages 1-2. Applicant's attention is also directed to page 1 "Some editing applications involve the manipulation of time based streams of information by novice users to create presentations. These time-based streams of information may be in the form of full motion images, e.g. video and movies; audio, e.g. music, sound effects". It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of AAPA to implement Uchida's control elements as edit controls to manipulate a time-based stream of information since it would have provided users of time-based stream system with more sophisticated computer controls having greater utility in addition to a more intuitive design.

Response to Arguments

Applicant has argued that Uchida et al. do not teach or suggest "the control element independently editable relative to a different control element".

However, the examiner respectfully disagrees because Uchida et al., as

disclosed at figure 4, teach plurality of GUI control property A, B, C.... Each GUI control comprises a list of properties. For example, the GUI control type A includes a list of property types A such as properties A1, A2, A3....

Plurality of the GUI controls are edited by a user independently. The GUI control property A is edited independently comparing the GUI control property B. A step of editing the GUI control property A is totally different with a step of editing the GUI control property B.

Applicant is correct in the statement that Uchida cites "the resetting of properties of the GUI controls is done through a collective change of properties of the GUI controls utilizing the GUI control property definition". However, the claimed language itself does not specify the present specification. The phrase of "the control element independently editable relative to a different control element" is not clearly enough to describe the present invention.

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim,

once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Thus, it is clearly that Uchida et al. teach the control element independently editable relative to a different control element.

Applicant also argues that the AAPA does not teach the control element being an edit control to manipulate a time-based stream of information. However, AAPA , at page 1, cites "Some editing applications involve the manipulation of time based streams of information by novice users to create presentations. These time-based streams of information may be in the form of full motion images, e.g. video and movies; audio, e.g. music, sound effects....".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

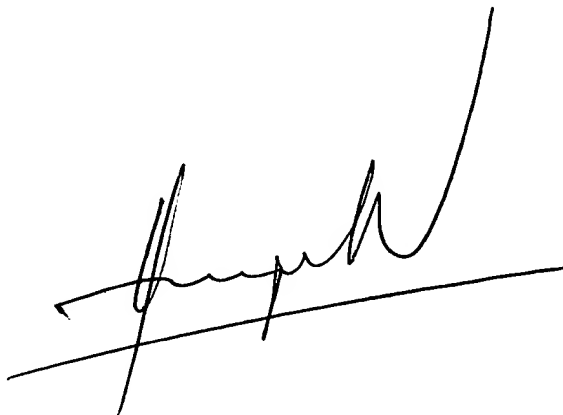
The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

A handwritten signature in black ink, appearing to read 'Mylinh Tran', is written over a horizontal line. The signature is stylized with a large, sweeping flourish at the end.